IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 239 OF 2004

Global Infotainments Ltd. & Ors ...Petitioners

Versus

Smt. Vanita Suresh Gwalani & Ors ...Respondents

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Mr. Niranjan Mundargi, Advocate for Petitioner

Mr. A.R. Shaikh, Advocate for Respondent No.1.

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 14TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned advocate for the respondent No.1 i.e. original complainant.

2. The petitioners are seeking quashing of proceedings in case No. 57/S/2003 which is pending before the learned Metropolitan Magistrate, 26th Court, Borivli, Mumbai. The said case is under Section 138 of Negotiable Instruments Act.

3. It is the case of the petitioners that there was no any legal liability as far as the complainant is concerned and the petitioner No.3 was not the

Director of the company at the relevant time.

4. As far as the petitioner No.3 is concerned, the respondent i.e. original complainant has filed an affidavit wherein it is stated that they have no grievance against the petitioner No.3 and they are inclined to withdraw the case against the said petitioner i.e. Me. Manish L. Nayyar. Hence, as far as the petitioner No.3 is concerned, the proceedings in relation to case No. 57/S/2003 pending before the learned Metropolitan Magistrate, 26th Court, Borivli, Mumbai, are quashed.

5. The learned advocate for the respondent i.e. original complainant also fairly states that he would not raise any objection to any application for adjournment before the trial Court which would be preferred by the petitioner Nos. 1 and 2 provided that they should be represented by an advocate at all times. In view of this statement, the learned advocate for the petitioners does not press this petition as far as the petitioner Nos. 1 and 2 are concerned.

6. The petition is disposed of in terms of the above order.

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